

## REMARKS

Applicant acknowledges with gratitude the Advisory Action dated July 7, 2010. The Action indicates that claims 123, 125 to 132, 134, 135, 137, 140, and 164 as presented on June 10, 2010 would be allowable if written in independent form. Applicant is grateful that the Examiner has entered the previously submitted 37 CFR § 1.132 Declarations into the file.

All of the claims presented in the rule 116 amendment filed June 10, 2010 are patentable over the prior art of record. The Muni patent referred to in the Advisory Action does not teach or suggest ascertaining the needs of each individual consumer, and customizing a pharmaceutical compound accordingly (steps b) and c) of claim 160).

However, applicant understands that the Examiner has not had the opportunity to consider all the limitations of claim 160 as presented on June 10, 2010. To expedite development and protection of certain commercially important embodiments of the invention, the applicant agrees to adopt the Examiner's suggestion of canceling claims that are beyond what is currently indicated as being allowable. Applicant will pursue coverage for other patentable aspects of the invention in a continuation application.

The claims presented in this amendment are as follows:

- Claims 123, 125 to 132, 134, 135, 137, 140 are presented in the same form as presented on June 10, 2010. These claims are either independent or depend from another allowable claim, and are believed to be allowable in this form.
- Withdrawn claim 139 is presented again. Claim 139 is a method claim that depends from and incorporates all the limitations of allowable product claims 123, 125 to 132, 134, 135, and 137. Accordingly, it may be rejoined into the application, which is respectfully requested.
- Claim 164 has been rewritten as an independent claim, incorporating limitations from claim 160 so as to comport with what applicant understands would fall within the scope of allowable subject matter.
- Claims 161, 165, 166, and 168 to 178 are amended to depend from claim 164 and incorporate its limitations, should therefore be allowable.

The other claims have been cancelled

Applicant respectfully requests that this application be allowed promptly, to avoid having to extend pendency of the application for another period. Should the Examiner have any concerns regarding

the claim amendments presented here, he is requested to contact applicant's representative by telephone.

Respectfully submitted,

Sep 8, 2010  
Date

Robert M. Gamson  
Robert M. Gamson  
Reg. No. 32,986  
Attorney for Applicant

CERTIFICATE OF TRANSMITTAL

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 8, 2010

Express Mail Label No. EH614333203US

By: Carolyn H. Bates  
Carolyn H. Bates

HODES, PESSIN & KATZ, P.A.  
901 Dulany Valley Road, Suite 400  
Towson, MD 21204  
Phone: 410-769-6145  
Fax: 410-832-5637  
E-Mail: rgamson@hpklegal.com

RMG/chb

G:\files\GAMSON\MAMCHUR, Steven (Blaney McMurtry LLP)\025357.001\PTO amendment 6.docx